

THE COUNCIL OF THE CITY OF NEW YORK



Hon. Melissa Mark-Viverito
Speaker of the Council

Hon. Darlene Mealy
Chair, Civil Rights Committee

Report on the Fiscal 2016 Preliminary Budget and the
Fiscal 2015 Preliminary Mayor's Management Report

Commission on Human Rights

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Commission on Human Rights Overview

The New York City Commission on Human Rights (CCHR or the Commission) enforces the City's Human Rights Law ("the Law") and educates the public about its scope. The law is comprehensive; it prohibits discrimination in employment, housing and public accommodations based on race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, and marital status. In addition, the Law affords protection against discrimination in employment based on arrest or conviction record and status as a victim of domestic violence, stalking and sex offenses. In housing, the Law affords additional protection based on lawful occupation and family status. The Law also prohibits retaliation and bias-related harassment.

The Commission has two major bureaus – the Law Enforcement Bureau (LEB) and the Community Relations Bureau (CRB). The LEB is responsible for the intake, investigation, and prosecution of complaints alleging violations of the Law. The CRB helps cultivate understanding and respect among the City's many diverse communities through its borough-based Community Service Centers and numerous educational and outreach programs.

This report provides a review of CCHR's Preliminary Budget for Fiscal 2016. In the section below, the Fiscal 2016 Budget is presented in a chart which details the CCHR's spending by Personal Services (PS) and Other Than Personal Services (OTPS), followed by the Financial Plan Summary chart which provides an overview of the CCHR's budget by unit of appropriation, funding source, headcount, and provides analysis of significant initiatives included in the November and Preliminary Financial Plans. The summary is followed by a review of relevant sections of the Preliminary Mayor's Management Report (PMMR) for Fiscal 2015.

Fiscal 2016 Preliminary Budget Highlights

CCHR Expense Budget						
	Actual	Actual	Adopted	Preliminary Plan		*Difference
<i>Dollars in Thousands</i>	2013	2014	2015	2015	2016	2016 - 2015
Personal Services	\$4,310	\$4,075	\$4,583	\$4,953	\$4,774	\$191
Other Than Personal Services	1,821	1,507	1,911	2,052	1,911	0
CCHR Total	\$6,131	\$5,582	\$6,495	\$7,005	\$6,686	\$191

**The difference of Fiscal 2015 Adopted Budget compared to Fiscal 2016 Preliminary Budget.*

The City's Fiscal 2016 Preliminary Budget is \$77.7 billion, \$2.7 billion more than the Fiscal 2015 Adopted Budget of \$75 billion. City funds (City tax and non-tax revenues, excluding Capital Budget transfers) total \$57 billion, up \$2.1 billion from \$54.8 billion in the Adopted Budget. For CCHR, the Fiscal 2016 Preliminary Budget includes \$6.7 million (including City and non-city funds.) This represents less than one percent of the City's total budget.

The CCHR's Fiscal 2016 Preliminary Budget of \$6.7 million is \$191,000 more than its Fiscal 2015 Adopted Budget of \$6.5 million. In June, both the Fiscal 2015 and Fiscal 2016 budgets were \$6.5 million. Since adoption of the Fiscal 2015 budget, the Financial Plan updates have introduced several changes to CCHR's Fiscal 2015 and 2016 budgets. For Fiscal 2015 and Fiscal 2016, these include other adjustments of \$511,000 and \$191,000 respectively. These adjustments are primarily for collective bargaining costs. Combined, the above actions reconcile CCHR to its current budget of \$7 million for Fiscal 2015 and \$6.7 million for Fiscal 2016 (see Appendix A, on page 6.)

CCHR Financial Plan Summary

The CCHR's budget consists of two program areas, identified by four units of appropriation (UA). They are: U/A - 001 (PS) and U/A - 002 (OTPS) - which are funded with City tax-levy and U/A - 003 (PS) and U/A - 004 (OTPS) funded with federal Community Development Block Grant funding. The following table, "CCHR Financial Summary", provides an overview of the Commission's actual expenditures for Fiscal 2013 and Fiscal 2014, the Adopted Budget for Fiscal 2015, and planned expenditures for Fiscal 2015 and Fiscal 2016 as proposed in the Fiscal 2016 Preliminary Plan.

CCHR Financial Summary						
	2013	2014	2015	Preliminary Plan		*Difference
<i>Dollars in Thousands</i>	Actual	Actual	Adopted	2015	2016	2015 - 2016
Spending						
Budget by Unit of Appropriation						
001 - Personal Services	\$1,051	\$907	1,101	1,288	1,155	54
002 - Other Than Personal Services	1,145	830	1,202	1,301	1,202	0
003 - Community Development - PS	3,260	3,169	3,482	3,665	3,620	137
004 - Community Development - OTPS	676	677	710	751	710	0
Subtotal	\$6,132	\$5,582	\$6,495	\$7,005	\$6,686	\$191
Funding						
City Funds			\$2,439	\$2,482	\$2,493	\$54
Federal - Community Development Block Grants			4,055	4,279	4,193	137
Federal - Other/ Equal Employment Opportunity Committee			0	145	0	0
Intra City - Housing Discrimination HPD			0	100	0	0
Subtotal	\$6,132	\$5,582	\$6,495	\$7,005	\$6,686	\$191
TOTAL	\$6,132	\$5,582	\$6,495	\$7,005	\$6,686	\$191
Budgeted Headcount						
CDBG Funded	52	52	55	55	55	0
City Funded	10	9	11	11	11	0
TOTAL	62	61	66	66	66	0

**The difference of Fiscal 2015 Adopted Budget compared to Fiscal 2016 Preliminary Budget.*

The CCHR's Fiscal 2016 Preliminary Budget is \$6.7 million. The Commission's budget is comprised of both City tax-levy and federal Community Development Block Grant (CDBG) funding. CDBG revenue accounts for \$4.2 million or 62.7 percent of the budget and the remaining \$2.5 million or 37.3 percent is City tax-levy. The Fiscal 2016 Preliminary Budget supports a workforce of 66 positions. Eleven are City funded and 55 are CDBG funded. The headcount remains unchanged since Fiscal 2015 Adoption. The budgeted staff of 55 are as follows: 19 attorneys (assigned to the Law Enforcement Program); and 36 Human Rights Specialists, 15 assigned to the Administration Community Relations Bureau, five assigned to Public Service Crime Prevention, six assigned to Public Service Outreach, seven assigned to Fair Housing Public Service, and three assigned to Planning Research. The budgeted headcount of eleven City-funded positions include the Commissioner, Deputy Commissioner, attorneys, and administrative staff. For Fiscal 2015, CCHR currently has 61 active employees on its payroll.

Budget and Staffing Issues

As mentioned in the Financial Plan Summary above, the Commission is funded with both City tax-levy and with CDBG revenue. In Fiscal Year 1992, the Commission had a total budget of \$10.4 million and staffing of 239 positions (173 City-funded and 66 CDBG-funded.) Since then, its budget has dropped 35 percent and staffing levels have decreased by more than 70 percent. In comparing funding for the Commission in the 1992 Adopted Budget to the Fiscal 2016 Preliminary Budget, the Commission's City-funded PS budget dropped by 80 percent and staffing was cut by more than 90 percent to only 11 positions. CDBG-funded positions of 66 has remained the same. In its Fiscal 2015 Preliminary Budget Response, and most recently in the Speaker's 2015 State of the City Address, the Council highlighted the inadequate funding and staffing levels of the Commission. The Council is concerned that the CCHR is not able to meet the mandates set forth by the already robust New York City's Human Rights Law. This is especially true given the recent increases in the Commission's scope to enforce the Human Rights law due to additional protected classes added by the Council.

Financial Plan Changes

- **Collective Bargaining.** The Fiscal 2016 Preliminary Plan includes baseline funding to support collective bargaining. For Fiscal 2015 and Fiscal 2016 the amounts are \$266,000 and \$191,000 respectively (including city and non-city funds.)
- **Non-City Grants.** The Fiscal 2016 Preliminary Plan reflects an increase of \$245,000 in non-city grants for Fiscal 2015 only.

Fiscal 2015 PMMR Performance Measures

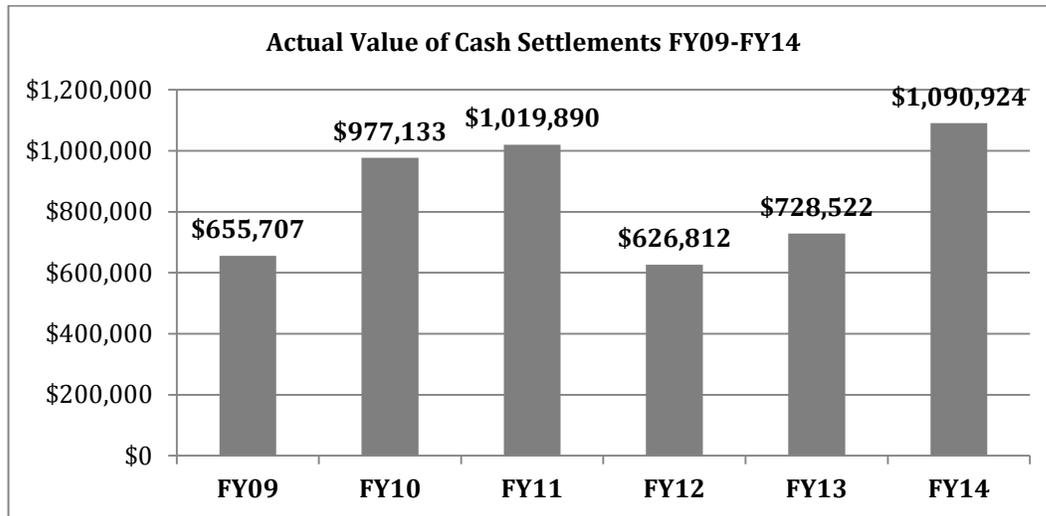
The PMMR outlines the major services provided by CCHR and the goals associated with each. CCHR investigates an average of 1,600 allegations of discrimination in employment, housing and public accommodations, as well as bias-related harassment per year. In addition, the Commission initiates investigations and prosecutions of systemic Human Rights Law violations. The Commission provides pre-complaint intervention and promotes positive intergroup relations through conferences, workshops and training sessions conducted by its Community Relations Bureau.

According to the PMMR, CCHR has two service goals which are to 1) enforce the City's Human Rights Law and 2) educate the community on the Human Rights Law. CCHR collects data on its caseload and community awareness efforts and reports the data in the PMMR. The following chart from the PMMR provides performance statistics for Fiscal 2012-2014, target data where applicable for Fiscal 2015 and 2016, and 4-month actual data which compares Fiscal 2014 and 2015.

Law Enforcement Bureau Performance Measures. The LEB investigates, prosecutes and resolves complaints of discrimination and bias-related harassment. The Department uses a case tracking system to generate reports on the types of cases handled.

Performance Statistics	Actual			Target		FY14 4-Month Actual	FY15 4-Month Actual
	FY12	FY13	FY14	FY15	FY16		
Cases successfully mediated	11	5	21	*	*	0	0
Pre-complaint resolutions	190	163	189	*	*	52	52
Cases filed	335	522	497	*	*	182	260
Cases closed	440	480	602	*	*	215	246
Cases closed (%) - no probable cause determination	45%	43%	45%	*	*	51%	54%
Cases closed (%) - probable cause determination	5%	12%	8%	*	*	9%	13%
Cases closed (%) - administrative cause	24%	25%	21%	*	*	22%	13%
Cases closed (%) - settlement	26%	20%	26%	23%	23%	18%	20%
Cases referred to the Office of Administrative Trials and Hearings	23	59	47	*	*	19	31
Average value of cash settlement for complainant (\$)	\$15,173	\$14,273	\$15,250	*	*	\$9,733	\$13,170
Modifications for accessibility for handicapped	193	156	185	*	*	54	52
Average age of complaint caseload (days)	335	314	297	300	300	299	243
Caseload	474	583	567	474	474	568	598
Cases pending by age - less than one year	358	467	496	414	414	499	433

- In Fiscal 2014, CCHR successfully mediated 21 cases, up from five in Fiscal 2013. This represents the number of cases resolved through a conflict resolution process. CCHR has not mediated any cases this fiscal year and the PMMR does not indicate why.
- In Fiscal 2014, CCHR filed 497 cases, five percent less than the 522 cases filed in Fiscal 2013. In the first four months of Fiscal 2015, CCHR filed 260 cases compared to just 182 in the same period of the previous year.
- CCHR closed 246 cases in the first four months of Fiscal 2015, an increase of 14 percent from 215 during the same period of the previous year.
- In the first four months of Fiscal 2015, 72 percent of the Commission's caseload was less than one year old, compared to 87 percent during the same period of the previous year.
- In Fiscal 2014, the average value of cash settlements for complainants was \$15,250, and increase of seven percent from \$14,273 in Fiscal 2013. In the last three years the average value of cash settlements for complainants was \$14,899. The graph below provides the total value of cash settlements in the last six years, an average of \$849,831.



Community Relations Bureau Performance Measures. The CRB educates the community on the Human Rights Law and seeks to increase community awareness of the Human Rights Law. The CRB’s research division tracks the different workshops and training sessions conducted by the Commission, including the number instances where service was provided.

Performance Statistics	Actual			Target		FY14 4-Month Actual	FY15 4-Month Actual
	FY12	FY13	FY14	FY15	FY16		
Conferences, workshops and training sessions	1,217	1,114	1,288	1,000	1,000	400	406
Community-based technical assistance	17,297	22,537	53,426	40,000	40,000	23,134	16,556
School-based training sessions conducted	401	392	272	325	325	35	35

- In Fiscal 2014, the Commission conducted 1,288 conferences, workshops, and training sessions for a variety of groups and community-based organizations about the Human Rights Law, cultural diversity and conflict resolution.
- In Fiscal 2014, the Commission conducted 272 school-based training sessions, compared to 392 in Fiscal 2013. In the first four months of Fiscal 2015 the Commission conducted only 35 sessions. Workshops and training sessions covered issues relating to the Human Rights Law, cultural diversity, conflict resolution and peer mediation. Students, teachers, parents and administrators benefited from these sessions.
- The CRB provided community-based technical assistance in 16,556 instances in the first four months of Fiscal 2015, compared to 23,134 in the same period of Fiscal 2014. Technical assistance includes one-on-one or less formal group assistance to the community, individuals and professional groups. Field staff respond to human rights inquires about disability, housing, immigration, pre-complaint intervention, and information on community concerns such as intergroup conflict and multicultural initiatives. The PMMR does not indicate why the Commission provided less community-based technical assistance.

Appendix A: Budget Actions in the November and Preliminary Plans

<i>Dollars in Thousands</i>	FY 2015			FY 2016		
	City	Non-City	Total	City	Non-City	Total
CCHR Budget as of the Adopted 2015 Budget	\$2,439	\$4,055	\$6,494	\$2,439	\$4,055	\$6,494
Other Adjustments						
Collective Bargaining	42	224	266	54	137	191
EEOC Grant	0	145	145	0	0	0
Intra City Transfer from HPD	0	100	100	0	0	0
Total Other Adjustments	\$42	\$468	\$511	\$54	\$137	\$191
Total All Changes	\$42	\$468	\$511	\$54	\$137	\$191
CCHR Budget as of the Preliminary 2016 Budget	\$2,481	\$4,523	\$7,005	\$2,493	\$4,192	\$6,685

Appendix B: Fiscal 2015 Mayor's Management Report Performance Measures

CCHR Performance Indicators	Actual			Target		4-Month Actual	
	FY12	FY13	FY14	FY15	FY16	FY14	FY15
Cases successfully mediated	11	5	21	*	*	0	0
Pre-complaint resolutions	190	163	189	*	*	52	52
«Cases filed	335	522	497	*	*	182	260
Cases filed (%) - Employment discrimination	66%	67%	65%	*	*	67%	72%
Cases filed (%) - Housing discrimination	19%	19%	20%	*	*	21%	13%
Cases filed (%) - public accommodation discrimination	14%	13%	14%	*	*	11%	14%
Cases filed (%) - bias-related harassment	1%	1%	1%	*	*	1%	1%
«Cases closed	440	480	602	*	*	215	246
- Cases closed (%) - no probable cause determination	45%	43%	45%	*	*	51%	54%
« - Cases closed (%) - probable cause determination	5%	12%	8%	*	*	9%	13%
- Cases closed (%) - administrative cause	24%	25%	21%	*	*	22%	13%
« - Cases closed (%) - settlement	26%	20%	26%	23%	23%	18%	20%
Cases referred to the Office of Administrative Trials and Hearings	23	59	47	*	*	19	31
«Average value of cash settlement for complainant (\$)	\$15,173	\$14,273	\$15,250	*	*	\$9,733	\$13,170
Modifications for accessibility for disabled	193	156	185	*	*	54	52
«Average age of complaint caseload (days)	335	314	297	300	300	299	243
Caseload	474	583	567	474	474	568	598
Cases pending by age - less than one year	358	467	496	414	414	499	433
Cases pending by age - 1-3 years old	114	111	70	60	60	67	19
Cases pending by age - 3-5 years old	2	5	1	0	0	2	0
Cases pending by age - older than 5 years	0	0	0	0	0	0	0
Conferences, workshops and training sessions	1,217	1,114	1,288	1,000	1,000	400	406
Community-based technical assistance	17,297	22,537	53,426	40,000	40,000	23,134	16,556
School-based training sessions conducted	401	392	272	325	325	35	35
Letters responded to in 14 days (%)	100%	100%	100%	*	*	100%	100%
E-mails responded to in 14 days (%)	100%	100%	100%	*	*	100%	100%
Completed customer requests for interpretation	1,425	1,515	1,097	*	*	552	500
Average wait time to speak with a customer service agent (minutes)	10	10	10	*	*	10	10
CORE facility rating	85	94	97	*	*	N/A	N/A